UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,893	09/15/2003	Faramak Vakil	APP 1479	1293

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EXAMINER
COFFY, EMMANUEL

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/662,893	VAKIL ET AL.
	Examiner	Art Unit	
	Emmanuel Coffy	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 September 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☒ Claim(s) *14 and 17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *18 December 2003*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the application filed on September 15, 2003. Claims

1-17 are pending. Claims 1-17 are directed to a method, and system for "Plug and Play

Installation of Network Entities In a Mobile Wireless Internet."

Specification

2.   The Abstract of the disclosure is objected to because it begins with language that

can be implied. Correction is required. See MPEP § 608.01 (b).

The language should be clear and concise and should not repeat information given in

the title. It should avoid using phrases which can be implied, such as, "The disclosure

concerns," "The disclosure defined by this invention," "The disclosure describes etc..."

In this case the language: "A system and method are provided" can be implied.

3.   The abstract should be in narrative form and generally limited to a single

paragraph on a separate sheet within the range of <u>50 to 150</u> words. It is important that

the abstract not exceed 150 words in length since the space provided for the abstract

on the computer tape used by the printer is limited.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5.   Claims 1-2, and 4-6 are rejected under 35 U.S.C. §102(e) as being anticipated by O'Toole et al. (US 6,757,723).

O'Toole teaches the invention as claimed including a network appliance which is capable of remote booting and obtaining its configuration information from a source located far away. (See abstract)

Claim 1.

O'Toole teaches a method for connecting an entity to a network that provides mobile wireless Internet service to a user of the network comprising: (See fig. 1 and 2)

assigning a temporary IP address to the entity; (See col. 9, lines 65-67.)

creating a communication link between the entity and a plug server through the Internet; (See col. 12, lines 25-34.)

identifying the software necessary for the entity to provide the service; (See col. 12, line 53-col. 13, line 9)

collecting the necessary software from one or more software inventories in communication with the plug server; (See col. 13, lines 1-16.)

forwarding the necessary software from the plug server to the entity; and,

installing and configuring the necessary software at the entity. (See col. 12, line 53-col.

13, line 9)

Claim 2.

O'Toole teaches the method of claim 1 as discussed above wherein the step of

identifying the software necessary for the entity to provide the service further comprises

the step of sending an inspector agent from the plug server to the entity capable of

discovering the software needs of the entity. (See col. 15, lines 12-22 and col.16, lines

61-63.)

Claim 4.

O'Toole teaches the method of claim 1 as discussed above further comprising

the steps of: securing the communication link between the entity and the plug server

using a request for secure HTTP. (See col. 13, lines 64-67 and col. 14, lines 38-47.)

Claim 5.

O'Toole teaches the method of claim 1 further comprising the steps of: assigning

a new IP address to the entity using DRCP and/or DHCP. (See col. 14, lines 13-15)

Claim 6.

O'Toole teaches the method of claim 2 further comprising the steps of: sending a

request from the inspector agent to the plug server requesting necessary link layer and

topology data; collecting the necessary link layer and topology data from a cell

parameter server; and, forwarding the necessary link layer and topology data to the

entity. (See col. 15, lines 11-22 and col. 16, lines 61-65.)

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   <u>Claims 3, 7 and 15-17 are rejected under 35 U.S.C. §103(a) as being</u>

<u>unpatentable over O'Toole et al. (US 6,757,723) in view of Wenzel (US 6,925,297)</u>.

O'Toole substantially teaches the invention as claimed including a network

appliance which is capable of remote booting and obtaining its configuration information

from a source located far away. (See abstract)

<u>Claim 3</u>.

O'Toole substantially teaches the method of claim 1 as discussed above further

comprising the steps of: collecting information about the identification of the user; (See

col. 12, lines 34-36.)

O'Toole does not disclose performing authentication of the user's identification

prior to the step of identifying the software necessary for the entity to provide the service.

However, Wenzel does. See col. 3, lines 1-67.

Hence, it would have been obvious at the time of the invention for an artisan of

ordinary skill in the art to combine the remote configuration system articulated by

O'Toole with the authentication disclosed by Wenzel because the inability to

authenticate a mobile terminal facilitates fraudulent activity and billing becomes more

complicated and less reliable.

Claim 7.

O'Toole substantially teaches the method of claim 1 as discussed above wherein the step of assigning a temporary IP address to the entity further comprises the steps of: See col. 9, lines 65-67.

O'Toole does not teach sending a router solicitation message; receiving a router authentication message and obtaining a network prefix therefrom; constructing a temporary IP address for the entity; and, performing duplicate address detection. However, Wenzel does. See col. 4, lines 50-59 and col. 5, lines 14-27.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the remote configuration system articulated by O'Toole with the authentication disclosed by Wenzel because the inability to authenticate a mobile terminal facilitates fraudulent activity and billing becomes more complicated and less reliable.

Claim 15.

O'Toole substantially teaches a plug server capable of communicating with the Internet and an entity capable of providing Internet services to a user comprising:

an inspector agent software module for identifying the software necessary for the entity to provide the service to the user and for installing the necessary software in the entity. See col. 16, lines 61-67. O'Toole does not teach:

a login handler software module for authenticating identification information from the user;

a subscription handler software for validating subscription information from the user;

a selection handler software module for routing the request of the user to either the login handles or subscription handler; and,

However, Wenzel does. See col. 5, lines 46-65. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the remote configuration system articulated by O'Toole with the authentication disclosed by Wenzel because the inability to authenticate a mobile terminal facilitates fraudulent activity and billing becomes more complicated and less reliable.

Claim 16.

O'Toole substantially teaches the plug server of claim 15 as discussed above. O'Toole does not teach "wherein the login handler communicates with an authentication, authorization and accounting (AAA) protocol based server." However, Wenzel does. See col. 5, lines 46-65. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the remote configuration system articulated by O'Toole with the authentication disclosed by Wenzel because the inability to authenticate a mobile terminal facilitates fraudulent activity and billing becomes more complicated and less reliable.

Claim 17.

The plug server of claim 15 wherein the subscription handler communicates with a credit bureau server. This claim is objected to for depending upon a rejected claim.

8.   Claims 8 -14 are rejected under 35 U.S.C. §103(a) as being unpatentable over

O'Toole et al. (US 6,757,723) in view of Yao et al. (US 6,813,670) in further view of

Wenzel (US 6,925,297).

Claim 8.

O'Toole substantially teaches a system for connecting an entity to a network that

provides a mobile wireless Internet service to a user of the network comprising:

wherein the plug server sends an inspector agent to the entity to identify the software

needed by the entity to provide the service to the user, collecting the identified

necessary information from the software inventory, collecting the necessary link layer

and topology data from the cell parameter server and forwarding the collected software

and data to the entity. See col. 16, lines 61-67. O'Toole does not teach

a plug server in communication with the entity to be connected;

a software inventory in communication with the plug server for storing software

necessary for the entity to provide the service to the user;

a cell parameter server in communication with the plug server for storing link layer and

topology data necessary for the entity to provide the service to the user; However, Yao

does. See col. 3, lines 18-24; col. 4 lines 8-14 and lines 22-28.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary

skill in the art to combine the remote configuration system articulated by O'Toole with

the automatic server-side plug-and-play disclosed by Yao because when devices are

disconnected from the computer, the device drivers are frequently not automatically

uninstalled which can cause errors since the programs running on the computer have

access to the devices as if they were still connected to the computer.

Claim 9.

O'Toole substantially teaches the system of claim 8 as discussed above further

comprising a means for communicating between the plug server and the entity in a

secure manner. (See '723, col. 13, lines 64-67; col. 14, lines 38-46.)

Claim 10.

O'Toole substantially teaches the system of claim 8 as discussed above wherein

the entity further comprises a server discovery software module for discovering a plug

server in the Internet. See '723, col. 8, line 64-col. 9, line 18.

Claim 11.

O'Toole substantially teaches the system of claim 8 as discussed above wherein

the entity further comprises an Auto-IP software module for assigning a temporary IP

address to the entity. See '723, col. 9, lines 65-67.

Claim 12.

O'Toole substantially teaches the system of claim 8 as discussed above. O'Toole

does not disclose "further comprising an AAA protocol based authentication server in

communication with the plug server in order to authenticate information about the

identity of the user of the entity."

However, Wenzel does. See col. 4,lines 50-59 and col. 5, lines 14-27. Hence, it

would have been obvious at the time of the invention for an artisan of ordinary skill in

the art to combine the remote configuration system articulated by O'Toole with the

authentication disclosed by Wenzel because the inability to authenticate a mobile

terminal facilitates fraudulent activity and billing becomes more

complicated and less reliable.

Claim 13.

O'Toole substantially teaches the system of claim 12 as discussed above.

O'Toole does not disclose "further comprising a profile server in communication with the

authentication server and the plug server for storing information regarding the identity of

entities in the mobile wireless Internet."

However, Wenzel does. See col. 5, lines 46-65. Hence, it would have been

obvious at the time of the invention for an artisan of ordinary skill in the art to combine

the remote configuration system articulated by O'Toole with the authentication disclosed

by Wenzel because the inability to authenticate a mobile terminal facilitates fraudulent

activity and billing becomes more complicated and less reliable.

Claim 14.

The method of claim 8 further comprising a credit bureau server in communication

with the plug server in order to validate information about the subscription of the user of

the entity. This claim is objected to for depending upon a rejected claim.

CONCLUSION

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

        -   Westburg (U.S. 6,856,602) teaches "Method and System for Communication."

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.
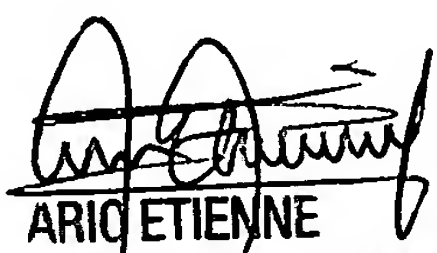
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-3997. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy
Patent Examiner
Art Unit 2157

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EC
September 26, 2005

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